

U.S. Patent Application Serial No. 09/976,279
Amendment dated December 16, 2003
Reply to OA of July 16, 2003

REMARKS

Claims 1-10 are pending in this application. No amendment has been made herein.

The Information Disclosure Statement filed on April 28, 2003, has been entered. The Taiwanese Office Action dated February 25, 2003, has not been considered because an English translation was not provided. (Office action paragraph no. 2).

Applicants note that 37 CFR 1.98(3) requires that if a reference is not in the English language (i) a concise statement of relevance must be provided and (ii) "A copy of the translation if a written English-language translation of a non-English-language document, or a portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c)."

In the Information Disclosure Statement, Applicants provided a concise English language relevance statement for the Taiwanese search report, and therefore met the requirement of 37 CFR 1.98(3)(i). Applicants would have provided a translation of the Taiwanese Office action if it had been in their possession, custody or control of, or readily available. Applicants therefore submit that they met the requirements of 1.98, and Applicants respectfully request consideration of this document and initialing of the document on form PTO-1449.

Claims 1-2, 4 and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Imai et al. (U.S. Patent No. 6,140,025A) with Aldrich Handbook of Chemicals and Laboratory Equipment cited to show inherent properties. (Office action paragraphs no. 4-6)

Applicants here respectfully assert that the relevant disclosure in Imai et al. '025 was

U.S. Patent Application Serial No. **09/976,279**
Amendment dated December 16, 2003
Reply to OA of **July 16, 2003**

invented by Genji Imai, the inventor in the present application. A Declaration under 37 CFR 1.132 to this effect by Genji Imai is attached. In accordance with MPEP 715.01(a), Applicants respectfully submit that the relevant disclosure of Imai et al. '025 was not "by another", and that the relevant disclosure of Imai et al. '025 cannot serve as prior art under 35 U.S.C. 102(e).

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al. '025 with Aldrich, and further in view of Makato et al. (JP 09-138502A), based on machine translation). (Office action paragraph no. 8).

Applicants submit, as above, that the relevant disclosure of Imai et al. '025 is not prior art under 35 U.S.C. 102(e) for the present application. Applicants refer again to the attached Declaration under 37 CFR 1.132.

The Examiner argues that one of skill in the art would be motivated by Makato to substitute the benzopyran compounds for the coumarin dye of Imai et al. Applicants submit that the relevant disclosure of Imai et al. '025 is not prior art for the present claims, and that Makato taken alone does not disclose or suggest the limitations of the present claims.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al. '025 with Aldrich, and further in view of Uno et al. (U.S. Patent No. 6,277,541). (Office action paragraph no. 9).

U.S. Patent Application Serial No. **09/976,279**
Amendment dated December 16, 2003
Reply to OA of **July 16, 2003**

Applicants submit, as above, that the relevant disclosure of Imai et al. '025 is not prior art under 35 U.S.C. 102(e) for the present application. Applicants refer again to the attached Declaration under 37 CFR 1.132. Applicants submit that the relevant disclosure of Imai et al. '025 is not prior art for the present claims, and that Uno et al. taken alone does not disclose or suggest the limitations of the present claims.

In particular, claim 5 recites that the composition further comprises a proliferating agent (D). The Examiner cites Uno et al. as teaching in column 26, lines 39-65, that various compounds can be used as development accelerators in photosensitive lithography, including sulfonic acids (line 55), and various carboxylic acids. However, it does not appear that Uno directly suggests the use of an organic ester or a crosslinked compound (b) as recited in claim 5.

In addition, Applicants also submit that there is no clear suggestion in Uno et al. of use of development accelerators in negative photoresists.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

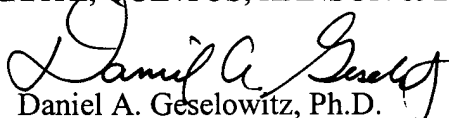
U.S. Patent Application Serial No. **09/976,279**
Amendment dated December 16, 2003
Reply to OA of **July 16, 2003**

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP



Daniel A. Geselowitz, Ph.D.

Agent for Applicant

Reg. No. 42,573

DAG/plb
Atty. Docket No. **011382**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Enclosures: Declaration under 37 CFR 1.132
PTO-1449 listing one document



RECEIVED
DEC 24 2003
TC 1700

INFORMATION DISCLOSURE CITATION PTO-1449	Atty. Docket No. 011382	Serial No. 09/976,279
	Applicant(s): IMAI, Genji	
	Filing Date: October 15, 2001	Group Art Unit: 1752

U.S. PATENT DOCUMENTS

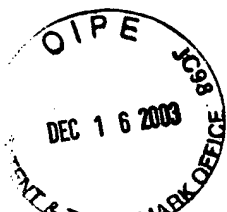
Examiner Initial	Document No.	Name	Date	Class	Subclass	Filing Date (If appropriate)
_____	AA					
_____	AB					
_____	AC					
_____	AD					
_____	AE					

FOREIGN PATENT DOCUMENTS

Document No.	Date	Country	Translation (Yes or No)
_____	AF		
_____	AG		
_____	AH		
_____	AI		
_____	AJ		

OTHER DOCUMENTS

_____	AK	Taiwanese Office Action dated February 25, 2003
_____	AL	
Examiner		Date Considered



RECEIVED
DEC 24 2003
TC 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **IMAI, Genji**

Serial No.: 09/976,279

Group Art Unit: 1752

Filed: October 15, 2001

Examiner: Yvette C. Thornton

P.T.O. Confirmation No.: 1120

**FOR: NEGATIVE PHOTSENSITIVE RESIN COMPOSITION, NEGATIVE
PHOTSENSITIVE DRY FILM AND METHOD OF FORMING PATTERN**

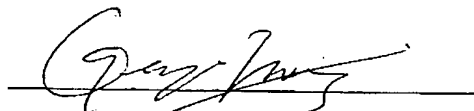
DECLARATION UNDER 37 C.F.R. §1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with MPEP 715.01(a), I, Genji Imai, hereby declare:

- 1) That I have read the Office action dated July 16, 2003 (paper no. 7) in this application, and have reviewed the rejection of claims 1, 2, 4 and 6-10 under 35 U.S.C. 102(e) over Imai et al. (U.S. Patent No. 6,140,025A) with Aldrich Handbook of Chemicals and Laboratory Equipment, in paragraphs no. 4-6 of the Office action, and the rejection of claim 3 under 35 U.S.C. 103(a) over Imai et al. (U.S. Patent No. 6,140,025A) with Aldrich Handbook of Chemicals and Laboratory Equipment and further in view of Makato et al. in paragraph no. 8 of the Office action, and the rejection of claim 5 under 35 U.S.C. 103(a) over Imai et al. (U.S. Patent No. 6,140,025A) with Aldrich Handbook of Chemicals and Laboratory Equipment and further in view of Uno et al. in paragraph no. 9 of the Office action.
- 2) That I am the same person as Genji Imai, co-inventor with Hideo Kogure in the cited patent Imai et al. (U.S. Patent No. 6,140,025).
- 3) That I alone am the inventor of the subject matter disclosed in Imai et al. '025 that is relied on in the rejections. This subject matter was disclosed but not claimed in Imai et al. '025. Specifically, I am the inventor of the photosensitive resin compositions in the Examples in Imai et al. '025.

I, the undersigned, declare that all statements made herein of my own knowledge are true and that all statements made of information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

A handwritten signature in cursive script, appearing to read "Genji Imai", is written over a horizontal line.

Genji IMAI

Dated: DEC. 9, 2003